IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| JOHN DOE, | CASE NO. 4:18cv3142 |
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| Plaintiff, | |
| v.) | AFFIDAVIT OF MEAGAN COUNLEY IN SUPPORT OF DEFENDANTS' |
| UNIVERSITY OF NEBRASKA, UNIVERSITY OF NEBRASKA BOARD OF REGENTS, | MOTION FOR SUMMARY JUDGMENT |
| Defendants. | |
| STATE OF NEBRASKA) | |
| COUNTY OF LANCASTER) | |

- I, Meagan Counley, being first duly sworn upon oath, depose and state as follows:
- I am over the age of 18 and competent in all respects to make this Affidavit.
 The facts contained herein are based upon my personal knowledge.
- 2. This Affidavit is offered as evidence in support of Defendants' Motion for Summary Judgment ("Motion").
- 3. I am the Deputy Title IX Coordinator and Investigator at the University of Nebraska.
- 4. I am trained to provide a prompt, fair and impartial process from initial investigations to the final result.
- I served as the Title IX Investigator in regards to the allegations brought by
 Jane Roe against Plaintiff.
- 6. On January 8, 2018, I interviewed the Plaintiff, John Doe, in regards to the allegations made by Jane Roe and other students. This interview was recorded. In relevant part, the audio record reflects the following conversation:

Plaintiff: Now in contrast I do remember on about 20 occasions when I was trying to sleep, [Jane Roe] had horrible insomnia and I had to work so I would go to bed and then she would come into my room and try and wake me up for sex with her and grab my penis and start trying to jerk me off or start trying to give me oral sex and I would say on at least half the

occasions I would push her away and be like please just let me sleep. I swear I'll make it up to you in the morning and she would be like, you're a liar. You're a liar. You know in the morning you're going to be too tired. It has to be now. I'm not exaggerating when I say that she probably sexually harassed me and sexually assaulted me about 20 times in my home.

Counley: Those were all by touching and attempting to wake up in attempts to have sex with you?

Plaintiff: Yeah trying to force me to have sex with her. She would get really upset if I would drop her off at night and not be willing to come upstairs into her apartment and have sex with her. If for some reason she had a really morning meeting and couldn't go home with me and I would take her to her apartment at the Old Spaghetti Works building she would be like, can you come upstairs for 20 minutes? I'd be like God I've gotta get home. Depending on the time I might need to put my chickens away or something like that and she would repeatedly harass me and then she would reschedule with me like, one of the things she told me about her boyfriend George in India is that they had sex 3 times a day and one of the reasons why she suspected that I was constantly cheating on her was because I didn't want to have sex with her 3 times a day.

7. If called as a witness to testify in regards to this matter, I would competently testify to each fact contained in this Affidavit.

FURTHER AFFIANT SAYETH NAUGHT.

Meagan Counley

SUBSCRIBED AND SWORN to before me by Meagan Counley this Load of October, 2020.

GENERAL NOTARY - State of Nebraska MELISA K. KOMENDA My Comm. Exp. November 30, 2022 Melis M. Komenda Notary Public

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